

REMARKS**Claim Status**

Claims 1-17 are pending in the application. Claims 1-4, 6-14, 16, and 17 have been amended.

Rejection Under 35 U.S.C. §112

The Office Action purports to reject claims 17 and 18 under 35 U.S.C. §112 as single-element means claims. Because the application does not include claim 18, the undersigned attorney understands this rejection to apply to claims 16 and 17. Each of these claims has been amended to include an additional means element. The rejection is believed to be obviated by the amendment.

Art Rejections

In the Office Action, independent claims 1, 6, 11, and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Esmailzadeh *et al.*, *Quasi-Synchronous Time Division Duplex CDMA*, 1637-41 (Global Telecommunications Conference, IEEE, Vol. 3, Nov. 28-Dec.2, 1994) ("Esmailzadeh" hereinafter). Amended claims 1, 6, 11, and 16 recite that time division duplexing takes place over time division multiple access (TDMA) channels. Esmailzadeh does not disclose time division duplexing using TDMA. At least for this reason, we respectfully submit that Esmailzadeh does not anticipate claims 1, 6, 11, and 16.

Claims 1-17 were rejected under 35 U.S.C. §102(e) as being anticipated by Gilbert *et al.*, U.S. Patent Number 6,016,311 (“Gilbert” hereinafter). Regarding claims 1, 6, 10, 11, and 16, the Office Action states that Gilbert discloses, in the Abstract and at column 13, line 40, *et seq.*, synchronizing frames across plural channels so that upstream frames and downstream frames coincide. Specifically, the Office Action states that Gilbert discloses that “co-channel interference is reduced by synchronizing the cell transmit/receive base stations 106 with or across cluster 160.”

Independent claims 1, 6, 10, 11, and 16, as amended, recite that the plural channels are between a base station and CPEs. Thus, synchronizing upstream and downstream frames refers to synchronizing frames of different channels between the same base station and the CPEs. For example, downstream frames of several channels are transmitted from the base station at the same time; similarly upstream frames are transmitted over several channels also at the same time. (Naturally, the upstream frames and the downstream frames are transmitted at different times.) This scheme is illustrated in Figure 2 of the application. As the Examiner noted, Gilbert instead refers to “synchronizing the cell transmit/receive base stations 106.” Gilbert therefore teaches synchronizing different base stations with each other, while the claims in issue recite synchronizing upstream and downstream frames of channels of the same base station. At least for this reason, we respectfully submit that Gilbert does not anticipate claims 1, 6, 10, 11, and 16.

In rejecting independent claims 5, 15, and 17, the Office Action cited Gilbert at column 10, lines 18-20, and at column 13, lines 4-18 and 51-59. In rejecting claim 17, the Office Action further cited Gilbert’s Figures 7 and 8. Claims 5, 15, and 17 recite “switching channels based on received media access protocol messages so as to receive data bursts on plural channels.” The undersigned

attorney has reviewed Gilbert, and specifically the portions cited by the Office Action, but has not identified a teaching of switching channels to receive messages from a base station using a plurality of channels. Gilbert apparently does not disclose switching channels to receive messages over a plurality of channels. At least for this reason, we respectfully submit that Gilbert does not anticipate claims 5, 15, and 17.

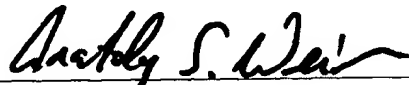
CONCLUSION

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over Esmailzadeh and Gilbert. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

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